



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

DP:BLW
F. #2020R01134

*271 Cadman Plaza East
Brooklyn, New York 11201*

March 18, 2022

By Email and ECF

Gedalia Stern
Necheles Law LLP
1120 6th Avenue, 4th Floor
New York, NY 10036
gstern@necheleslaw.com

Re: United States v. Shimshon Mandel
Criminal Docket No. 22-43 (DG)

Dear Mr. Stern:

Enclosed please find discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government also requests reciprocal discovery from the defendant.

I. The Government's Discovery

A. Statements of the Defendant / Documents and Tangible Objects

- Bank records relating to accounts associated with the defendant or with business entities associated with the defendant, from the following sources:

Source	First Bates	Last Bates
Apple Bank, records for account ending in x5126	USAO-00000001	USAO-00000026
Bank of America, records for account ending in x5563	USAO-00000027	USAO-00000481
Capital One, records for accounts ending in x8360 and x7333	USAO-00000484	USAO-00005166

Citibank, records for account ending in x6120	USAO-00005167	USAO-00006986
Dime Community Bank, records for accounts associated with Shimshon or Ester Mandel	USAO-00006987	USAO-00008010
HSBC, records for accounts associated with Shimshon or Ester Mandel	USAO-00008011	USAO-00008385
JP Morgan Chase NA, records for accounts associated with Shimshon or Ester Mandel	USAO-00008386	USAO-00012176
Santander, records for accounts associated with Shimshon or Ester Mandel	USAO-00012177	USAO-00012178
Signature Bank, records for account ending in x8968	USAO-00012179	USAO-00013521
TD Bank, records for accounts associated with Shimshon or Ester Mandel	USAO-00013522	USAO-00015033

- A folder containing records obtained from Voya Financial, Inc. and Reliastar Life Insurance Company of New York relating to Policy Number 4501086 and/or Shimshon Mandel and/or Ester Mandel, Bates numbered USAO-00015034;
- Records obtained from Guardian Life Insurance Company of America relating to policies held by Shimshon Mandel and/or Ester Mandel, Bates numbered USAO-00015035-USA0-00015892;
- Records obtained from Lincoln National Life Insurance Company relating to policies held by Shimshon Mandel and/or Ester Mandel, Bates numbered USAO-00015893-USA0-00018141;
- Records obtained from the Federal Reserve Bank of New York relating to a November 12, 2019 wire transfer from David Jaroslawicz to Shimshon Mandel, Bates numbered USAO-00018142-USA0-00018145;
- Subscriber data, call detail reports, text message logs, billing records and other records for the following telephone numbers: 718-438-3651, 718-438-1338 and 917-494-7462, Bates numbered USAO-00018146-USA0-00019602;

- Email communications between Shimshon Mandel and David Jaroslawicz, Bates numbered USAO-00019603-USAO-00020038;
- Folders containing records and email communications relating to the account egyselle@aol.com, Bates numbered USAO-00020039 and USAO-00020041-USAO-00020042;
- Search warrants and supporting affidavits, Bates numbered USAO-00020043-USAO-00020120;
- Documents related to David Jaroslawicz v. Voya Financial, Inc. and Reliastar Life Insurance Company of New York, Index No. 515690/2020 (Kings County Supreme Court), Bates numbered USAO-00020121-USAO-00020174; and
- Documents received from David Jaroslawicz, Bates numbered USAO-00020175-USAO-00020187.

You may examine the physical evidence discoverable under Rule 16, including original documents, by calling me to arrange a mutually convenient time.

B. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion.

C. Brady Material

The government is not aware of any exculpatory material regarding the defendant. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

D. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

II. The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

IV. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a “formal offer” or a “plea offer,” as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

BREON PEACE
United States Attorney

By: /s/ Benjamin Weintraub
Benjamin Weintraub
Assistant U.S. Attorney
(718) 254-6519

Enclosures

cc: Clerk of the Court (DG) (by ECF) (without enclosures)